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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,281	07/30/2003	Paul F. Chouinard	BSI-471US1	9704
23122	7590	05/11/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			HO, UYEN T	
			ART UNIT	PAPER NUMBER

3731

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,281	Applicant(s) CHOUINARD ET AL.	
	Examiner (Jackie) Tan-Uyen T. Ho	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 23-25, 33-35, 37-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Hyodoh et al. (6,409,750).

Hyodoh disclose a bifurcated stent having a common body portion and two legs portions, each of two legs portions comprising a discrete plurality of filaments. The leg portions maybe made from same number of wires or different number of wires and weaving the common body portion from the wires of the legs (col. 9, lines 35-65), at least 5 filaments to made a leg portion, in one embodiment, 12 filaments can be used to create the legs (col. 18, lines 55-67);

Hyodoh disclose a method of weaving the bifurcated stent using at least two machines (col. 15, lines 25 to col. 17, line 17) for weaving two leg portions of the stent; and for the common body portion, Hyodoh suggests one of the machines used to weave one of the legs may be utilized to weave the common body portion (col. 16, line 45-61). Examiner considers with this suggestion one ordinary skill in the art would understand that a third machine can be used as well. To use one of the machines used to weave one of the legs, the bobbins and corresponding wires arranged around haft of the

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weaving plates of one of the leg machine, the bobbins and corresponding wires of the other leg portion on the other leg machine arranged around the other haft of the waving plates of the one of the leg machine (col. 16, lines 45-61).

Such that in the embodiment with 12 filaments for each leg, to make the common body portion, 12 bobbins of a machine arranged around haft of the weaving plate of the machine and 12 bobbins of the other machine arranged around the other of the weaving plate of the machine that made the machine with 24 bobbins.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodoh (6,409,705). Although, Hyodoh et al. do not disclose using three braiding machines for constructing a braided stent having first (leg), second (common body) and third (leg) sections. It would have been obvious matter of design choice to use three braiding machines instead of two machines for constructing the bifurcated stent since the applicants have not disclosed using three machine solve any problem or for any particular purpose and it appears that the process would produce the same bifurcated stent with either two or three machines.

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Although, Hyodoh et al. do not disclose braiding the second section before braiding first and third section, it would have been obvious matter of design choice to braiding the second section before braiding first and third sections since the applicants have not disclosed braiding the second section before braiding first and third section solve any problem or for any particular purpose and it appears that the process would produce the same bifurcated stent disregard which section is made first.

Response to Arguments

5. Applicant's arguments filed 2/22/05 have been fully considered but they do not place the application in condition for allowance, see the rejection above.

Terminal Disclaimer

6. The terminal disclaimer filed on 2/22/05 has been reviewed and is accepted. The terminal disclaimer has been recorded.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



(Jackie) Tan-Uyen T. Ho
Patent Examiner
Art Unit 3731

May 3, 2005